

Appl. No. 09/545,529

REMARKS/ARGUMENTS

Attached hereto is a marked-up version of the changes made to the claim by the current amendment. The attached page is captioned "**Version with markings to show changes made.**" These changes include amending the preamble of claim 1 to avoid any future assertion by an unscrupulous copyist that the claim is anticipated by Shuhart, Jr. as discussed below.

Applicant wishes to thank examiner Lee for the thoughtful and detailed office action of June 1, 2004. The clarity of the reasoning for the rejections has alerted applicant to a possible (albeit unreasonable) alternative interpretation of the language of Claim 1 and has greatly assisted applicant in preparing this response.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Shuhart, Jr. et al. (5,065,251). Applicant respectfully requests reconsideration of this rejection. As pointed out by the Examiner, Shuhart at column 9 lines 16-21 suggests using his marker 116,118 to allow comparison of the relative timing of the marker in the video signal (representing the blowing of the officials whistle to which the marker is responsive) and the event of interest which is also recorded in the video signal. Applicant notes however that it is the timing of the recorded image itself (the football play) and the occurrence of the marker representing the recorded sound (the whistle blowing) which Shuhart suggests are compared. These two events, both recorded together on the video signal, do not change in relative timing.

Applicant does not believe the Claim 1 language "to facilitate later determination of the timing of said first signal relative to said second signal" would be properly interpreted by the person of ordinary skill in the art to cover this teaching by Shuhart. Shuhart teaches determining the timing of the events (the action of the players and blowing of the whistle as indicated by his marker) carried by the recorded video signal, whereas the claim as properly interpreted calls for later determination of the timing of the two signals themselves.

Applicant can understand how the unscrupulous copyist could argue an improper interpretation of Claim 1, and has accordingly amended the claim to ensure that it is properly interpreted. In particular the amendment of the claim ensures that the inventive

Appl. No. 09/545,529

feature "to facilitate later determination of the timing of said first signal relative to said second signal" which applicant earlier pointed to as being missing from Shuhart is properly understood to refer to the relative timing of the two signals in a system where one or both of the signals has been subsequently operated on. As taught in respect to the preferred embodiment it is the subsequent operation on the signals which frequently upsets the relative timing of the two, giving rise to the need to determine the change in timing (after that subsequent operation). The amended claim language "wherein said first signal and/or said second signal experiences a subsequently operation which affects the relative timing thereof, the method of marking said first signal to facilitate determination of the timing of said first signal relative to said second signal after said subsequent operation" is believed to eliminate intentional or unintentional misinterpretation of the claimed feature by the unscrupulous copyist.

In that the application is believed in form for allowance, further action in that respect is respectfully solicited.

Respectfully Submitted,




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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (703) 872-9306 on June 9, 2004.



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Appl. No. 09/545,529

VERSION WITH MARKING TO SHOW CHANGES MADE**In the Claims:**

1. (Twice Amended) In a system having a first signal which is a video type signal which carries an image and at least one second signal which may be an audio type signal, and wherein said first signal and/or said second signal experiences a subsequently operation which affects the relative timing thereof, the method of marking said first signal to facilitate ~~later~~-determination of the timing of said first signal relative to said second signal after said subsequent operation, said method including the steps of;

marking said first signal with a marker carried as part of said image in response to the occurrence of a particular event in said second signal said marking being such that said marker is carried with said first signal during the processing which said first signal is to experience.